

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JERRY R. KENNEDY, et al.,

Plaintiffs,

v.

CITY OF ZANESVILLE, OHIO, et al.

Defendants.

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Case No. 2:03-cv-1047

JUDGE ALGENON L. MARBLEY

ORDER

Defendant City of Zanesville moves this Court to issue an order staying Plaintiffs' execution on judgment, pursuant to Fed. R. Civ. P. 62. Rule 62(b) gives the Court discretion to enter a stay of judgment, pending the disposition of a motion, "on appropriate terms for the opposing party's security." A movant may succeed in demonstrating appropriate terms for the opposing party's security by "showing that there is no doubt about its ultimate capacity to pay the judgment." *Ohio Midland v. Proctor*, No. 05-1097, 2008 WL 755286, at *2 (S.D. Ohio 2008). Defendant, however, has provided no evidence of its ultimate capacity to pay the judgment. Accordingly, the Court finds the Defendant's conclusory statement that it is capable of paying the judgment insufficient. Defendant's motion is hereby **DENIED**.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Court Judge

DATE: August 1, 2008